

REMARKS

In response to the Final Office Action mailed on February 15, 2011, the First Advisory Action mailed on June 14, 2011, and the Second Advisory Action mailed on or about August 10, 2011, the Assignee of the present application (Nuance Communications Austria GMBH) respectfully requests reconsideration. Claims 21-29, 31-35, and 37-64 were previously pending for examination. No amendments are made.

Interview Summary

The Assignee's representative Ling Cheung Hughes thanks Examiner Opsasnick for the courtesies extended in granting and conducting a telephone interview held on August 15, 2011. The substance of the telephone interview is summarized below.

During the interview, the representative explained that the term "article of manufacture" recited in claims 37-42 and 59-64 does not cover any transitory media such as carrier waves, and agreed to expressly disclaim any interpretation of the term "article of manufacture" as encompassing carrier waves.

The representative further explained that examples of "article of manufacture" are given throughout the original disclosure, for example at FIG. 5, page 2, lines 11-14, page 12, lines 27-32, page 13, lines 1-3, and original claims 15-17, and therefore the claims are fully supported.

The Examiner appreciated the representative's explanations and agreed that all of the claims are in condition for allowance.

As suggested by the Examiner, the arguments presented in the Response filed on July 14, 2011 are repeated below for the Examiner's convenience.

Allowable Subject Matter

The Assignee thanks the Examiner for the indication that claims 1-36 and 43-58 are allowed.

Each of independent claims 37 and 59 recites subject matter indicated as allowable in the Office Action mailed on February 15, 2011. The Assignee understands the Advisory Action mailed on June 14, 2011 to indicate that these claims are allowable over the cited art and that the only rejections remaining are those made under 35 U.S.C. § 101. In view of the amendments and arguments presented herein to overcome the rejections under 35 U.S.C. § 101, the Assignee believes claims 37 and 59 are in condition for allowance.

Each dependent claim depends from a base claim that is believed to be allowable and is allowable for at least the same reasons.

Rejection Under 35 U.S.C. § 101

The Office Action mailed on February 15, 2011 and the Advisory Action mailed on June 14, 2011 reject claims 37-42 and 59-64 under 35 U.S.C. § 101 as purportedly being directed to non-statutory subject matter. Without acceding to the propriety of these rejections, the Assignee has amended claims 37-42 and 59-64 to advance prosecution.

Each of claims 37-42 and 59-64 is amended to recite an article of manufacture. A manufacture is one of the classes of statutory subject matter defined in 35 U.S.C. § 101, which states, “[w]hoever invents or discovers any new and useful process, machine, *manufacture*, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title” (emphasis added). Therefore, claims 37-42 and 59-64 are directed to statutory subject matter, and the rejections of these claims under 35 U.S.C. § 101 should be withdrawn.

General Comments on Dependent Claims

Because each of the dependent claims depends from a base claim that is believed to be in condition for allowance, the Assignee believes that it is unnecessary at this time to argue the further distinguishing features of all of the dependent claims. However, the Assignee does not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor does the

Assignee concur that the basis for the rejection of any of the dependent claims is proper. Therefore, the Assignee reserves the right to specifically address in the future the further patentability of the dependent claims not specifically addressed herein.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the undersigned at the telephone number indicated below to discuss any outstanding issues.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, the Assignee hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed payment, please charge any deficiency to Deposit Account No. 23/2825 under Docket No. N0484.70066US00 from which the undersigned is authorized to draw.

Dated:

8/15/11

Respectfully submitted,
Nuance Communications Austria GMBH

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